

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
2013 SEP 18 P 2:20

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DEPUTY

VIOLA RUSSELL  
P.O. Box 471095  
District Heights, MD 20753  
EEOC # 531-2013-01241

Plaintiff

v.

Case # *PWB 13-2756*

RUSSEL MOTOR CARS INC.  
MELINDA HERD - Controller  
GREG J. RYLAND - General Manager  
6624 Baltimore National Pike  
Baltimore, Maryland 21228

DWAYNE J. BUTLER - Ex. Employee  
10207 Welshire Drive  
Upper Marlboro, Md 20772

SERVE: RESIDENT AGENT  
Aaron Margolis, Esq.  
Suite 222  
110 West Road  
Towson, Maryland 21201

Defendant

**COMPLAINT**

**PARTIES AND JURISDICTION**

COME NOW the Plaintiff, Viola Russell Pro Se, brings this suit against Russel Motor Cars Inc. (hereinafter "Russel") Melinda Herd - Controller, Greg J. Ryland - GM, and former employee Dwayne Butler together and separately.

1. Viola Russell is an adult individual residing in the State of Maryland
3. Russel Motor Cars Inc. is a corporation chartered under the laws of the State of Maryland with its principal place of business in Baltimore City, Maryland. Russel is in the business of selling new and used automobiles.
3. Melinda A. Herd, and Greg J. Ryland, work for Russel, and Dwayne J. Butler is now a former employee who still resides in Maryland.



COUNT I - SEXUAL HARRASSMENT

1. November 20, 2012 at my job interview Dwayne Butler (General Sales Manager) asked me to take off my coat. It was November, and I explained to him that I was cold, and wanted to keep it on. He "insisted" I take it off--he actually said **"If you want this job, take it off."** When I did he said "Oh, I see why you did not want to take off your coat, you did not want me to see that cheap suit you are wearing from the thrift store." If I did not need the job, I would have left then. When Jake Lawson (Mazda Sales Manager) excused himself from the interview, He asked me if I was married, I said no--It is just me and my daughter. He said "Good, because I do not like to hire women with husbands, I hate seeing them making a lot of money for their man to take".
2. On or around 2/12/13 Dwayne Butler called me into his office, and said he wanted to ask me something. He then said, "Don't get mad at me". I said, "If you have to put a disclaimer in front of it--don't ask." He laughed and "NO, just don't get upset", and asked me "If I have always been built this way, I thought he was talking about my thought process, and he pointed to my breast and said ***"No, I am talking about your breast and your ass."*** I looked at him, shook my head and left his office.
3. Every Saturday we have a staff meeting at 8:45 a.m, and he picks one or two people and makes fun of them in front of the entire staff, after he plays the Simon Says game. On 2/16/13 (Saturday) while in the morning staff meeting my nail fell off. He made a big thing out of it, and everybody laughed--it was funny, I even laughed. I said to Dwayne that a lot of people wear fake nails, hair and more. I said "You are probably fake"---He said, ***"NOTHING ON ME IS FAKE, JUST BIG--REAL BIG - HE LOOKED AT SHANISE CRAFT (Finance Director who used to work with Dwayne), AND SAID RIGHT SHANISE"***.
4. He told me and most of the women he interviewed after I was hired that ***"He is our Daddy, and we all BELONG to him."*** He would remind me constantly, that I belong to him, and that as long as I remained loyal, my job was secure.
5. He hired Jeff Burnett (Mazda Sales Manager they worked together before), and 70% of what he said was sexually harassment, and if you said anything back to him in defense or complained to Dwayne Buter about it, Dwayne would say you had a bad attitude.
6. Dwayne called Jeff and I into a private meeting. He said, ***"If you ever complain to Gregg (his boss) about me, he will ask me to fire you because you are not being loyal to me"***. He said "Gregg would call you disloyal, and fire you if I didn't". So there was no recourse--he says and does what he wants to.
7. On or around 3/5/13, after I complained to Dwayne about his actions, he changed my pay plan. It was changed on or around 3/5/13 and made effective 2/1/2013. I considered this retaliation because I asked him to stop playing with me, and speaking to me the way he did.



I told him it was not funny, and that I would not tolerate it anymore. I further told him I was not going to babysit (Renee - his alleged girlfriend). He told Joanne (a co-worker who is filing a case in Circuit Court as soon as she receives her Right to Sue letter), he had to get rid of me because I would not get with the program. Joanne eventually quit, which led to an investigation.

8. I have never heard Dwayne Butler nor Jeff Burnett refer to a woman by their name--it was always sweetie, baby, darling, sunshine, gorgeous etc... Even Debbie Hughes in payroll was referred to as baby. Whenever I called Dwayne on the telephone, or he called me, he would refer to me by saying--Yes dear, baby, sweetie or something similar. I hated it--It is very belittling... I did not feel comfortable being alone with him. He did this in front of Greg Ryland (GM), and Greg did not say anything.

9. He has made reference to us going out for a drink, and I would say "I don't drink, and he would say he neither does he." I would say, I have to get back to work, and leave his office.

10. He told me and most of the women he interviewed after I was hired that "He is our Daddy, and we all BELONG to him." Joanne Stamatopoulos (sales lady) -- told me that he said she can call him **"PIMP DADDY"**.

11. On or around the 1st week in March, Dwayne asked me to sit in on the Assistant Internet Manager interview with Candice Foster (1-443-680-2650). He told her that he is Daddy, and all us women belong to him. (Sounds like a pimp) It was insulting and I was embarrassed. I asked her why did she want to leave her previous employer, and she everybody just kept talking about how pretty she is....??? Dwayne said "Pretty, with that big ass forehead". He went on tell her that he looked her up on face book, and wondered why her forehead was so large. He left the room for a few minutes, and I told her that he likes to play, and that me on the other hand likes to work. He came back into the room, and I got up shook her hand, and before I could get to the door he said to her that he is going to hire two people, and that she would have my job. I just ignored him and shut the door. Candice started work on 3/16/13 and told me the first day of work that he talked about me, and my performance during that interview. She said before he brought her into my office he said negative thing about me (I will elaborate if needed). He actually slandered my name and defamed my character. I introduced her to May who told her wonderful things about my job performance, and so did Chad. When Dwayne noticed she I was getting along, he brought lunch for the department, and did not mention it to her or me. Finally an 1 1/2 hours later, he asked her if she got lunch. The lady was scared of them and wanted to leave with me. His female friends L. Renee Gumbs, and Shanise Craft gave her the third degree, just like they did me on my first day.



### ATTEMPT TO NOTIFY COMPANY OF SEXUAL HARASSMENT

1. On 3/22/13, I just got really fed up with all this mess and sent an e-mail to Debbie Hughes (Russel's payroll Administrator) She is the one who processed my employment paperwork. I sent her an e-mail asking if I could speak with her, she sent me back an e-mail requesting why. I sent one back saying it is a personnel matter and not personal She called me and told me she only does payroll, and that I should speak to Dwayne or Gregg. She further informed me that we do not have a Human Resource Department. I found that strange, because Russel Motors owns 6 dealerships. I told her I could not speak to either one of them, and she said well talk to Melanie Russel (GM of BMW). I told her I would think about it. (This e-mail is attached)

2. On 3/23/13 (Saturday), May Fariss came in my office and told me not to speak to anyone about Dwayne. I asked her what was she talking about. She informed me that somebody I spoke to I could not trust. I told her I didn't understand. She said she would hate to see anything happen to me. I asked her if Dwayne threatened to hurt or fire me--she would not answer. She told me if I wanted to vent, vent to her. Then she said she needed to make some phone calls. Joanne came to me and told me she saw her in Dwayne's office for a long time.

3. Well, that Monday I was off due to a snow storm, and on ***Tuesday 3/26/13 Dwayne called me into his office around 4:45, and asked me "Why did I call Melinda A. Herd (the Comptroller of Russel Motors)."*** I was informed later on that Ms. Herd worked with Dwayne before. Dwayne also informed me that Ms. Herd was Debbie Hughes (Payroll) boss. They really made things worse for me. He looked at me like he wanted to hurt me. I told him, I did not know what he was talking about, and asked him to call Ms. Herd - he said that was alright. He asked me if I had a payroll problem, and showed me the e-mail in front of him from Gregg, requesting the money that was not given to me on my February's commission check. I had informed Dwayne about the shortage 6 times, and he finally told me to discuss it with Gregg. (That is another story- It all retaliation) Dwayne told me that he will approve the check request, and I would get a check. The e-mail also stated (see attached) that I needed my money due to Spring break, my daughter wanted to go on her Senior Class trip and needed money. To date 4/1/13, I have still not seen that money.

4. On March 8, 2013, I left early to speak to my doctor Debra Apperson, she is the one who suggested I speak to Human Resources--which we don't have. I wanted her to give me something to help me sleep, because I can't sleep. She told me to take benadryl because she did not want to prescribe me anything. She has been helping me try to deal with matters.

5. Whenever he insults me, and I defend myself, he always says--"I AM THE GSM AND YOU CAN'T TALK TO ME LIKE THAT". He tells the other manager's he wants to fire me, but they tell me that they explain to him that I am an excellent worker, and keep me. THEY GO ALONG TO GET ALONG. Dwayne Butler, WAS GIVEN ENTIRELY TOO MUCH POWER, AND TOTALLY ABUSED IT. I have a few statements from the other employees, who will agree 100 per cent with that statement. I have the names of at least 12 women, who were hired and did not stay three months.



6. Dwayne Butler told a young lady (Jenny Gooding - 574-286-7638) I suggested he hire, not to speak to me after she was hired. We think he was afraid that she would tell me that he made her sell him her clothes. **Let me explain, instead of asking her to play selling a car, he asked her to play selling her clothes by describing them in a way, that he would want to purchase them.** I was told by Joanne, she even had to describe her under clothes. Jenny is an older lady, but looks young. She said she was disgusted, but really needed this job. I am the Internet Manager, and she is scared for him to see her speaking to me. That really makes it hard for me to get my job done. I want to give her leads, but it is hard if I can't speak to her. He tries to divide and conquer... The other Manager (name I will reveal later) does not respect his management style at all, but is scared because he needs his job. Jenny, wants to quit--but needs the job. On or around 3/8/13 Jenny resigned her position, and came in a cleared out her desk. I was not there at the time, but did contact her to apologized to her for bringing her into such a hostile environment. She said not to worry, and if I knew of any one hiring a para legal, to let her know. I told her I would call her, and wished her good luck.

## **COUNT II- NEGLIGENCE HIRING, SUPERVISION AND RETENTION**

**I can prove without a shadow of a doubt that Russel knew Dwayne Butler was a Sexual Harasser. The elements of a Cause of Action. 1) The existence of a legal duty to use due care, 2) Breach of that duty; 3) The breach is the proximate cause of the plaintiff's injury.**

1. One day he called me into his office with Gregg Ryland (the GM), when I arrived, he had the heater and the fan on at the same time, I said "Dwayne, you are going to blow a fuse in this office again", **he turned that into a very nasty blow job joke, and Gregg (his boss) just laughed.**
2. After I was there for only one week, Dwayne pulled me into Gregg Ryland's office, and slandered me by saying I was having an affair with Frank Tighman (sales person). I was insulted, told them I have never mixed business with pleasure, and walked out his office mad. Gregg Ryland never asked Dwayne in my presence to stop playing. He always laughed at Dwayne's pranks..
3. On April 19, 2013, John James (a salesman Dwayne hired) stated to me that Dwayne Butler was fired from Antwerpen Toyota (12420 Auto Drive, Clarksville, Md 21029 -- 888-469-4997) ---2008 for sexual harassment. The company said it would be cheaper to fire him, than get sued. That same day I said to Greg off the record, that Dwayne was trouble, and that I felt sorry for the company that hired him, they will get tied up in so much litigation their grand children would need lawyers -- he laughed. **I mentioned that Dwayne was fired from Anterpewn, I thought it was down the street and Greg Ryland corrected by telling me it was not the one down the street, but the one in Clarksville, Maryland. Bobby Haag also confirmed the location.** Greg Ryland and Dwayne Butler were friends. That was confirmed by at least 50% of the dealership. Everybody knew, and I have the documents and names to prove it without a shadow of doubt.

4. **April 15, 2013 I received a call from Greg Ryland (General Sales Manager - 410-977-4034) who was with Melinda A. Herd (Russel Motor's Controller and Dwayne's dear**



friend). They questioned me about Joanna and why she resigned. In that meeting I found out that Melinda A. Herd used to work for the same company (Autohaus, now Ourisman) at the same time (roughly) Dwayne Butler was charged with sexual harassment (see attachment). She told me she referred Dwayne to Russel, but he was actually hired by Mr. Branson (who I was told retired) he was a Russel Motors Executive. In that meeting, I showed her and Greg that article regarding Dwayne being involved in a law suit that read in large letters "AUTO DEALER IN SEXUAL HARASSMENT SUIT" - they looked at the article briefly. I could tell by their reactions they were aware of it. They did not ask for a copy, nor bother to read it. I even asked Ms. Herd, and she did not deny it, she said "She had already left the dealership after Ourisman bought them out, before the law suit." Case # 02C02077910 in AA County Maryland. (See attached) I shared with her in that meeting that as a woman, I was very upset and disappointed with her. I told her that she and her employee should have seen me, regardless. I would have if the tables were turned. I told Debbie Hughes (her assistant), that it was not a payroll problem, nor was it personal, but it was regarding personnel. Debbie told Melinda, and Melinda called Greg, and from what I was told Greg told Dwayne. That started another chain of events...

5. In my own investigation, I found out that Melinda Herd, Controller of Russel Automotive based on her LinkedIn Website (See attached), worked with Dwayne from August 1989 to August 2001 when the dealership sold to Ourisman. She was the controller at Autohaus while Dwayne Butler was committing offenses that resulted in the intentional tort/civil right-jobs that led to the suit referred to above in both the US District Court and Circuit Court for AA County titled Neleta R. Smith vs. Ourisman Automotive. (See attached).

*I was left feeling offended, exasperated, hassled, threatned, intimidated, upset, angry, belittled, sick, exhausted, annoyed, withdrawn, tired most of the time, stressed, and constant headaches. I also began to suffer from depression, lost 10 pounds because I could not eat, nor get a good night sleep for months, so I went to see my doctor, (Debra Apperson) who again suggested that I speak to Personnel, and Dr. Deshay who prescribed me Lorazepam. My home life was shattered because I came home upset and tensed every night. All I did was fret about the situation. My daughter was in the 12th grade, and between the prom and graduation, I could not afford to quit, so I had to endure the pain of it all. I finally resigned the day she graduated from school, and went back to work for Mileone. (See attached letter of resignation).*

*EEOC from what I was told never did an investigation, nor offered mediation because Dwayne Butler was eventually fired, but the damage was already done. I asked Melinda Herd, why didn't she say anything. I also asked her why didn't she speak to me when I reached out to them. More importantly, why did she alert Dwayne, and told him to handle me. She knew what he was capable of. After the fact, I realized that 50% of the dealership was aware of Dwayne's reputation. Joanna Stamploulis (443-604-1677 resigned and sent a letter to the Resident Agent and the owner of the company, which caused a reaction. She is filing a lawsuit in Circuit Court for the Sexual Harassment etc. she experienced. Russel's Insurance company (Fidelis) sent a lawyer in who conducted an investigation, and the next thing I know,*



*Dwayne Butler was gone. It was rumored that he received a brand new SUV, I was there the day it was delivered to his home. A lot of people in the company were upset that he received a NEW SUV.*

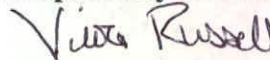
*I spoke to an attorney name Maryland EEOC Attorney, David Branch on or around 3/16/2013, who was Ms. Smith's lawyer in 2002. Attorney Branch referred to Dwayne Butler as a SERIAL SEXUAL HARASSER. I showed him some documents, and he remembered the name Melinda A. Herd. I hired him to send a letter to Russel, but after three or four weeks had past, and no letter was sent, I told him I would handle it myself. He was working on a large EEOC case at the time.*

*I can provide witness statements, addresses and phone numbers...*

**WHEREFORE, Viola Russell prays for judgement against Russel Motors in the amount of Thirty Thousand (\$30,000), and such other relief as this Court deems appropriate.**

**I would also like to request, Thirty Thousand (\$30,000) from Melinda A Herd, Thirty Thousand (\$30,000) from Dwayne Butler, and an additional Thirty \$30,000 from Greg A. Ryland and such other relief as the Court deems appropriate.**

**Respectfully submitted,**



**Viola Russell, Pro Se  
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